

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Newport News Division

In re:
JOSE LUIS MORENO,
and BERNADETTE JEANNINE MORENO,

Case No. 13-50593-FJS
Chapter 13

Debtors.

**OBJECTION TO CONFIRMATION OF AMENDED PLAN
AND REQUEST FOR HEARING**

NOW COMES R. Clinton Stackhouse, Jr., Chapter 13 Trustee (the "Trustee"), and objects to confirmation of the plan filed in this case. In support of this objection, the Trustee states as follows:

1. Jose Luis Moreno and Bernadette Jeannine Moreno (the "Debtors"), filed a voluntary petition under Chapter 13 of Title 11 of the United States Code in this Court on April 17, 2013. Relief was ordered.

2. On April 18, 2013, the Trustee was appointed in this case and continues to serve in that capacity.

3. On April 27, 2013, the Debtors filed their original plan (the "Plan"), which was not confirmed by the Court due to an objection filed by the Trustee.

4. On June 27, 2013, the Debtors filed an amended plan (the "Amended Plan"), which has not been confirmed by the Court.

5. The Amended Plan proposes payments of \$94.00 per month for two (2) months, the \$278.00 per month for thirty-four (34) months, for a total funding of \$9,640.00.

6. According to the Debtors' Schedule I, filed in support of the voluntary petition and

R. Clinton Stackhouse, Jr. VSB No. 19358
Chapter 13 Trustee
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Amended Plan, Mr. Moreno lists a monthly TSP deduction of \$517.99, and a monthly Retirement deduction of \$37.69, resulting in two separate retirement and/or savings contributions totaling \$555.68 per month. The total contributions are inordinately high in comparison to the Debtors' proposed monthly Plan payment. The Trustee's position is that the Debtors are not devoting all disposable income to the Amended Plan and are not proceeding in good faith.

7. Schedule G submitted with the Schedules and in support of the Amended Plan lists the executory contract of Verizon Fios. The Amended Plan fails to make a provision for the treatment of this executory contract.

8. The Amended Plan fails to meet the requirements set forth in 11 U.S.C. §1325. For the foregoing reasons, the Trustee prays that confirmation of the Amended Plan be denied.

NOTICE OF HEARING ON OBJECTION TO CONFIRMATION

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one). If you do not want the Court to deny confirmation of your Plan or if you want the Court to consider your views on the Objection, then you and your attorney must:

ATTEND THE HEARING SCHEDULED TO BE HELD:

at U.S. Courthouse on August 23, 2013 at 9:30 a.m.
2400 West Avenue
Newport News, VA 23607

to consider and act upon the Objection to Confirmation of the Amended Plan filed by the Chapter 13 Trustee.

If you or your attorney do not take these steps, the Court may decide that you do not

oppose the relief sought in the Objection and may enter an order granting that relief.

R. Clinton Stackhouse, Jr.
Chapter 13 Trustee

/s/ R. Clinton Stackhouse, Jr

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of July, 2013, I will electronically file the foregoing Objection with the Clerk using the CM/ECF system, which will then send electronic notification of such filing to Amber L. Quick, Esq., counsel for the Debtors, and that a true copy was mailed, first-class, postage prepaid to the Debtors at:

Jose Luis Moreno
Bernadette Jeannine Moreno
212 Springdale Way
Hampton, VA 23666

/s/ R. Clinton Stackhouse, Jr